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LETTER DATED 6 SEPTEMBER 1994 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you of the latest developments relating to Iraq's non-compliance with the Security Council resolutions concerning its aggression against Kuwait and, in particular, paragraph 2 of Security Council resolution 687 (1991), which demands that both Iraq and Kuwait respect each other's sovereignty and independence in accordance with the Agreed Minutes signed by them in 1963, and to Iraq's non-acceptance of Security Council resolution 833 (1993), approving the boundary demarcated by the United Nations Iraq-Kuwait Boundary Demarcation Commission.

It has become evident that, during the latest reviews of the regime of sanctions against Iraq, in particular during the May and July 1994 reviews, Council members focused, both in their statements at the review meetings and in their interview with Tariq Aziz, Deputy Prime Minister of the Iraqi regime, on the necessity of clear and explicit recognition by Iraq of Kuwait's sovereignty, independence and territorial integrity, within its international boundaries as provided by resolution 833 (1993), as a priority concern of the Council and a major prerequisite for the establishment of security and stability in the Arabian Gulf region. These demands were also repeated within the hearing of all the Iraqi officials who visited the capitals of the States of Security Council members. Accordingly, we expect Council members to call upon Tariq Aziz, during his current visit to New York, to give specific answers concerning the Security Council's requests relating to the core and essence of resolution 833 (1993).

Without any doubt, the Iraqi regime's record and tortuous methods aimed at bypassing Council resolutions and deluding the international community show that Iraq is still far from compliance with Security Council resolutions. We shall recall below a part of that record:

I. Iraq's evasion and non-compliance with the core and essence of Security Council resolutions

1. Iraq's position rejecting the demarcation of the boundary remains unchanged. Iraq documented this rejection of the results of the work of the Boundary Demarcation Commission in its letters to the President of the Security Council and to the Secretary-General, contained in documents S/24496 dated

27 August 1992 and S/25905 dated 8 June 1993, respectively. Iraqi officials, in all their meetings with Security Council members or other States, still indicate their reservations regarding resolution 833 (1993) and their non-acceptance of it.

2. The decision to recognize the sovereignty, independence and boundaries of Kuwait, in accordance with resolution 833 (1993) would require the Iraqi regime, if it sincerely intended to adopt such a decision, to prepare a suitable climate prior to such action, and this is what it has so far failed to do, as the following facts prove:

(a) From our careful monitoring of all the statements disseminated by the Iraqi official and other media on the question of the sanctions against Iraq and Iraq's implementation of Security Council resolutions, it is clear that there is large-scale deception of the Iraqi people and that the facts are presented to it in a distorted fashion, only those that accord with the regime's policy being selected, while everything that is said by Security Council members, both at the review meetings or directly to Tariq Aziz, on the question of recognition of Kuwait and its boundaries is deliberately ignored in the Iraqi media. We cite the following examples:

- At the press conference held by Tariq Aziz, Deputy Prime Minister of Iraq, on 19 July 1994, reference was made in the official Iraqi media, including radio and television, to all the questions put by correspondents and Tariq Aziz's replies to them, except for the questions relating to the question of recognition of Kuwait's boundaries, sovereignty and independence and Tariq Aziz's replies thereto. These were ignored completely.

- The statements made by the Minister for Foreign Affairs of Iraq to the Iraqi News Agency following the latest review meeting, in which he commended the positions of all States members of the Security Council, because, in their statements, they had mentioned the cooperation between Iraq and the Special Commission on weapons destruction. However, he ignored in his statement what had been said by Council members themselves at the review meeting about the other demands of Council members on Iraq, first and foremost, the requirement that Iraq should recognize Kuwait and its boundaries, if the Iraqi regime wanted the Council to be responsive about easing the sanctions imposed on it.

(b) In spite of the Iraqi regime's assertion that it has issued directives to newspaper editors to stop repeating the sophistries customarily voiced by the media when referring to Kuwait, this is merely a tactic to make a show of responsiveness to the Security Council's request for them to stop. The proof of that is that the Iraqi media are still indulging in sophistries. We may mention the following:

- On 18 August 1994, the Iraqi newspaper Babil, published, on page 1, an article entitled "Illusion" by the writer Abu Sirhan, in which he states that desisting from referring to Kuwait as the nineteenth governorate was but a tactic employed on instructions from officials in the Iraqi regime. The primary motive for employing this tactic was

the belief of those officials that desisting from the utterance of sophistries would ensure that the Council would lift the oil embargo imposed on Iraq and perhaps the sanctions as a whole. The writer questions the point of refraining from referring to Kuwait as a governorate, since the partial and total embargo against Iraq has persisted, contrary to what officials of the regime alleged.

- On 8 August 1994, the Iraqi newspaper Babil published a news item on the Kuwaiti budgetary deficit, in which it described the Kuwaiti National Assembly as the "local assembly" and the official Kuwait News Agency as the "local agency".

- On 27 August 1994, the newspaper Babil published an account of the meeting of Dr. Esmat Abdel Meguid, Secretary-General of the League of Arab States, with delegates from Iraq and Kuwait. It placed the words "the boundaries of Kuwait" between parentheses. As everyone knows, parentheses are used to indicate reservations regarding the matter placed between parentheses.

(c) The Iraqi regime's persistence and obduracy and its defence of its catastrophic invasion of Kuwait are exemplified clearly in the statement by the Iraqi regime's Ambassador to Algeria during a press conference with the magazine Al-Haqiqah on the anniversary of the invasion. When asked about Iraq's invasion of Kuwait, he said, and I quote: "If history could repeat itself and reproduce the same events, if Iraq faced the same external circumstances with all their factors and reactions, and if there was the same Kuwaiti role in those circumstances, the right decision would be for Iraq to enter Kuwait again".

(d) The school syllabuses printed in 1992 and taught in Iraqi schools contain the same sophistries that we have mentioned in a number of our earlier letters to your Council, and there has been no change in the contents of geography and history textbooks. Let us not omit to affirm once again the seriousness of the sophistries contained in these textbooks and their effect on the young Iraqi generation, which will certainly believe in their accuracy in the future.

II. Kuwaiti and third country nationals imprisoned or detained

With regard to this humanitarian issue, although more than three years have elapsed since the adoption of Security Council resolution 687 (1991) and although Iraq has officially accepted this resolution, no progress has been made.

The Iraqi regime has repeatedly refused to attend the meetings of the tripartite committee, composed of representatives of the Coalition States, Iraq and the International Committee of the Red Cross (ICRC), which deals with the question of prisoners and detainees, in spite of the many opportunities and ample deadlines offered it. Although Iraq participated in the committee meeting held on 1 July 1994 at Geneva, after boycotting the committee for a number of years, rejecting its powers and casting doubt on its legality, that participation was a studied tactic aimed at giving the impression that Iraq was cooperating on this humanitarian issue. This new Iraqi tactic, consisting of

formal, low-level participation by Iraq in the work of the tripartite committee, is aimed at giving the impression that Iraq is discharging its obligations under paragraph 30 of resolution 687 (1991). The purpose is also to take the issue of prisoners away from the Security Council during this period, which Iraq views as decisive. Moreover, the Iraqi delegation did not offer anything positive regarding prisoners files. On the contrary, it merely cast doubt on the legality of those files. This confirms that Iraq's participation in the meeting was for purely formal reasons. Moreover, Iraq still refuses to allow ICRC to visit Iraqi prisons in accordance with the uniform rules and procedures governing the work of ICRC. Moreover, Iraq has so far not responded to the official request of ICRC for information on the files of 625 individuals, in spite of its former promise to provide an answer on any file within 10 days of its receipt (Iraq received the above-mentioned files in March 1993). The Iraqi regime has thwarted all national and international efforts to resolve this matter during the past three years, including the efforts of the Secretary-General of the League of Arab States and His Majesty King Hassan II.

Kuwait considers that, without genuine and serious Iraqi cooperation with ICRC and permission for ICRC to visit Iraqi prisons, as well as the provision by the Iraqi authorities of precise information concerning the prisoners' files in their possession, Iraq should be regarded as fundamentally failing to implement the humanitarian obligations set forth in paragraph 30 of resolution 687 (1991).

In addition to the issues set forth above, Iraq refuses to discharge its obligation with regard to compensation under section E of resolution 687 (1991) and still refuses to implement resolutions 706 (1991) and 712 (1991). This constitutes a violation that injures Iraqis and non-Iraqis alike. Iraq is still not complying with resolution 688 (1991), and the humanitarian aspects of this matter cannot be disregarded. The terrorist activities of the Iraqi regime during the past two years constitute a flagrant violation of paragraph 32 of resolution 687 (1991). Those terrorist activities confirm that the Iraqi regime still constitutes a threat to regional and international security. In spite of Iraq's superficial cooperation on the question of the return of property seized from the public and private sectors in Kuwait, the fact should not be lost from sight that what Iraq is returning in accordance with its obligations under resolutions 686 (1991) and 687 (1991) constitutes incomplete implementation of these two resolutions, because the Iraqi authorities sabotaged or destroyed most of the equipment that was handed over. In addition, those authorities insist that they are not responsible for the return of property valued at $200 million that was stolen from the private sector (S/1994/243).

The issues raised above are clear indicators of Iraq's insistence on continuing to follow the policy of defiance of Security Council resolutions. Inasmuch as the purpose of these resolutions is to guarantee full respect for the independence, sovereignty and territorial integrity of Kuwait, the international community must take the necessary measures to guarantee Iraq's compliance with the spirit and the letter of all relevant Security Council resolutions. The Security Council must not confine itself to dealing with the effects of Iraq's aggression against Kuwait and occupation of Kuwait. It must also - and primarily - deal with the Iraqi motives behind the invasion. In other words, the Security Council should reject any Iraqi claim that it is complying with the relevant Security Council resolutions, unless it produces

documented proof, emanating from its highest executive and legislative authority of its respect for the sovereignty and independence of Kuwait and its international boundary under Security Council resolution 833 (1993). Failing that, the practices of the Iraqi regime will represent a continuing threat to peace and security in the region, which prompts us to call on the Security Council not to make any change in the sanctions regime as currently applied unless Iraq recognizes, in the manner set forth above, the sovereignty and independence of Kuwait and its international boundary under resolution 833 (1993).

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative